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COMMONWEALTH of VIRGINIA Northern Va Region
DEPARTMENT OF ENVIRONMENTAL QUALITY Dept. of Env. Quality

L. Preston Bryant, Jr.
Secretary of Natural Resources

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David K. Paylor
Director

~~Jeffery A. Steen~~
Regional Director

STATE WATER CONTROL BOARD ENFORCEMENT ACTION

AMENDMENT TO

A SPECIAL ORDER BY CONSENT

ISSUED TO

EVERGREEN COUNTRY CLUB, INC

FOR THE

EVERGREEN COUNTRY CLUB SEWAGE TREATMENT PLANT

(VPDES Permit No. VA0087891)

SECTION A: Purpose

This is an Amendment to a Consent Special Order issued under the authority of Va. Code §§62.1-44.15 (8a) and (8d) and 10.1-1185, between the State Water Control Board and Evergreen Country Club, Inc. ("Evergreen") regarding the Evergreen Country Club Sewage Treatment Plant, for the purpose of revising provisions of the Order issued by the State Water Control Board to Evergreen on October 8, 2002.

SECTION B: Basis for Amendment

1. Evergreen Country Club, Inc. owns the Evergreen Country Club STP which is operated by Environmental Systems Service ("ESS") and located in Prince William County, Virginia. The Board issued a Consent Special Order to Evergreen on October 8, 2002 to resolve violations of the State Water Control Law and Regulations including Permit limit exceedences of TSS, TKN, DO, chlorine, and CBOD5.

2. The Order required Evergreen, among other things, to design and construct a new STP and complete it within 18 months of beginning construction. Construction on the new STP began on April 10, 2005 yielding a required completion date, October 10, 2006.
3. The Order also required Evergreen to submit a closure plan for the existing STP within 30 days of beginning construction (i.e. May 10, 2005). DEQ did not receive the closure plan until November 28, 2005.
4. DEQ received correspondence from ESS dated September 29, 2006 which provided a new completion date for the STP as November 15, 2006 due to delays caused by lack of adequate electrical service from the Northern Virginia Electrical Company (NOVEC).
5. DEQ staff conducted a site visit on January 31, 2007. Dave Anderson, the Golf Course Superintendent, informed DEQ that while the new STP was still not online, the electrical issues with NOVEC had been resolved and that the STP should be online by the end of February 2007.
6. DEQ received no additional communication from Evergreen until February 20, 2007 when Anderson advised DEQ that the electrical work had to be delayed due to an outdated easement. Evergreen then provided completion dates of the week of March 30, 2007 and then the week of April 9, 2007. Neither of these completion dates were met as evident during a site inspection conducted by DEQ staff on April 11, 2007.
7. DEQ and Evergreen representatives met on May 23, 2007 and Evergreen explained that the current delay was caused by necessary rewiring of the plant that had to be undertaken due to a design flaw. They expected the STP to be online by June 1, 2007. This information was memorialized in a letter Evergreen submitted to DEQ on May 29, 2007.
8. Bryan Dolislager, Evergreen's General Manager, contacted DEQ on June 5, 2007 to advise that they had run into additional complications including problems with both the STP pumps and blowers and that they were unable to provide a completion date.
9. A new completion date for the STP along with a schedule for closure of the old system has been incorporated into the Order.
10. Additionally, the Board also has evidence that Evergreen has violated its Permit and Va. Code § 62.1-44.5 by exceeding Permit effluent limits for TKN and CBOD in December 2006 and CBOD in February 2007.

SECTION D: Agreement and Order

Accordingly, the Board, by virtue of its authority granted in Va. Code §§62.1-44.15(8a) and (8d), orders Evergreen Country Club, Inc., and Evergreen Country Club, Inc. agrees to:

1. Perform the actions described in Appendix A of this Amended Order, which supersedes and cancels Appendix A of the 2002 Order. Both the State Water Control Board and Evergreen understand and agree that this Amendment does not alter, modify, or amend any other provision of the Order and that unmodified provisions of the Order remain in effect by their own terms.
2. Pay a civil charge of \$12,200.00 within 30 days of the effective date of this Amendment in the settlement of the violations cited in this Amendment. Payment shall be made by check payable to the "Treasurer of Virginia", delivered to:

Receipts Control
Department of Environmental Quality
Post Office Box 1104
Richmond, Virginia 23218

Either on a transmittal letter or as a notation on the check, Evergreen shall indicate that this payment is submitted pursuant to this Order and shall include the Federal Identification Number for Evergreen.

And it is so ORDERED this _____ day of _____, 2007.

Thomas A. Faha, Regional Director
Northern Department of Environmental Quality

Evergreen Country Club voluntarily agrees to the issuance of this Order.

By: Bryan K. Polhes
Date: 9/4/07

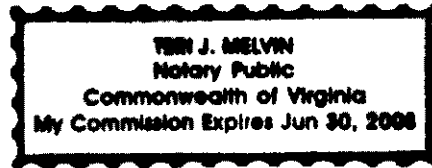
Commonwealth of Virginia
City/County of Prince William

The foregoing document was signed and acknowledged before me this 4th day of September, 2007, by Bryan K. Polhes who is
(name)
General Mgr. for Evergreen Country Club, Inc..
(title)

Terri J. Melvin

Notary Public

My commission expires: 6/30/07



ID# 230617

APPENDIX A

Evergreen Country Club, Inc. agrees to:

1. By August 1, 2007, complete construction of the new STP in accordance with the plans and specifications approved by DEQ and request a Certificate to Operate (CTO) from DEQ.
2. Within 60 days of completion of construction of the new STP, take the existing STP off-line in accordance with the approved closure plan and achieve compliance with final Permit effluent limits.
3. Continue to have a licensed operator with at least a Class IV wastewater treatment plant operator license perform daily routine maintenance a minimum of one hour each day at the STP.
4. Continue to submit monthly log reports describing the restaurant's grease trap performance. This report shall include the maintenance activities performed with regards to the grease trap and shall be due with the submittal of the monthly Discharge Monitoring Report until the cancellation of the Amended Order.
5. DEQ acknowledges that during the period of initial startup, Evergreen may experience additional violations of the same Permit conditions, which necessitated the installation of the new STP. Accordingly, pending completion of the allowed 60-day startup, Evergreen shall operate the STP in manner that produces the best quality effluent of which it is capable in order to minimize such additional violations and minimize potential impacts to water quality by, at a minimum:
 - a) Maintaining the required minimum concentration for total residual chlorine in the contact tank and dissolved oxygen in the effluent discharge.
 - b.) Maintaining the required concentration for total residual chlorine in the effluent discharge.
 - c.) Conducting process control testing as required by the Operations & Maintenance Manual.
 - d.) Ensuring effluent discharge is free of foam.